

**BEFORE THE TENNESSEE REGULATORY AUTHORITY AT  
NASHVILLE, TENNESSEE**

**February 24, 2004**

<b>IN RE:</b>	)	
	)	
<b>PETITION OF ON-SITE SYSTEMS, INC. TO AMEND ITS</b>	)	<b>DOCKET NO.</b>
<b>CERTIFICATE OF CONVENIENCE AND NECESSITY</b>	)	<b>03-00377</b>

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**ORDER APPROVING PETITION OF ON-SITE SYSTEMS, INC.  
TO AMEND ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

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This matter came before Chairman Deborah Taylor Tate, Director Pat Miller and Director Sara Kyle of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on October 21, 2003 to consider the Petition (the "Petition") of On-Site Systems, Inc ("On-Site") to amend its Certificate of Public Convenience and Necessity ("CCN") to expand its service area to include an area known as Smoky Cove in Sevier County, Tennessee

**Legal Standard for Granting CCN**

No public utility is permitted to begin construction or operation of a new utility facility or service before obtaining the approval of the TRA. The procedure for obtaining such approval is outlined in Tenn. Code Ann § 65-4-201(a), which reads in pertinent part as follows

No public utility shall establish or begin the construction of, or operate any line, plant, or system, or route in or into a municipality or other territory already receiving a like service from another public utility, or establish service therein, without first having obtained from the authority, after written application and hearing, a certificate that the present or future public convenience and necessity require or will require such construction, establishment, and operation, and no person or corporation not at the time a public utility shall commence the construction of any plant, line, system or route to be operated as a public utility, or the operation of which would constitute the same, or the owner or operator

thereof, a public utility as defined by law, without having first obtained, in like manner, a similar certificate . . .

### **Background**

On April 6, 1994, On-Site received a CCN in Docket No 93-09040 from the Tennessee Public Service Commission to provide wastewater service to the Oakwood Subdivision in Maury County. Since that time, through various other dockets, On-Site has been granted approval to expand its service territory to include other areas in Tennessee

### **Petition to Amend CCN**

On March 28, 2003, On-Site filed its Petition to amend its CCN to expand its service area to include Smoky Cove. A map showing the area to which On-Site proposes to extend service is attached to its Petition. On-Site filed a rate schedule with its Petition in this docket which states that residential rates for Smoky Cove will be as follows:

Total monthly charge	\$35.11
Non-payment fee	5% of monthly charge
Disconnection fee	\$10
Reconnection fee	\$15
Returned check fee	\$20
Access fee	\$84/year

This rate schedule comports with the rate schedule for On-Site approved by the TRA in Docket No 99-00393.

In its Petition, On-Site contends that neither Sevier County nor the City of Pigeon Forge have the desire to provide wastewater service to Smoky Cove. In support of this contention, On-Site submitted a letter dated May 27, 2003 from Kim L. Maples, Assistant Sevier County Executive, stating that Sevier County does not intend to provide sewer service to this area at this time. On-Site also submitted a May 16, 2003 letter from Earlene Teaster, City Manager of Pigeon Forge, stating that the City does not have plans to provide wastewater service to the Smoky Cove area within the next twelve months.

**October 21, 2003 Authority Conference**

The Directors of this voting panel considered On-Site's Petition at the regularly scheduled Authority Conference held on October 21, 2003 and voted unanimously to approve the Petition.

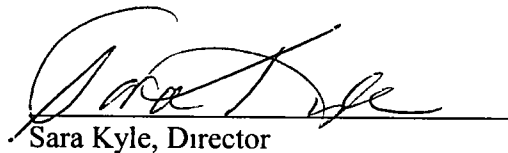
**IT IS THEREFORE ORDERED THAT:**

1 The Petition of On-Site Systems, Inc to amend its Certificate of Public Convenience and Necessity to expand its service area to include an area known as Smoky Cove in Sevier County, Tennessee, as shown in the map attached to the Petition, is approved.

2 On-Site's rates for wastewater service to Smoky Cove shall be as listed in the rate schedule filed with On-Site's Petition and as set forth in this Order

  
Deborah Taylor Tate, Chairman

  
Pat Miller, Director

  
Sara Kyle, Director